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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,143	06/14/2001	Michael S. Ardito	10002467-1	8103

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EXAMINER

NGHIEM, MICHAEL P

ART UNIT PAPER NUMBER

2863

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,143

Applicant(s)

ARDITO, MICHAEL S.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1,5,12 and 16 is/are rejected.
- 7) ☒ Claim(s) 4,13-15 and 17-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on April 22, 2003 has been acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuma et al. (US 5,701,995).

Regarding claim 1, Higuma et al. discloses a package assembly (Fig. 15), comprising:

- an ink-jet reservoir (1) having a fluid orifice (2);
- packaging material (21) sealed to enclose the ink jet reservoir

(Fig. 15);

- a sealing member (5) having a bottom side (sealing side of 5 bonded to 2 and 3) with a bonding region bonded to the reservoir (Fig. 15)

and sealing the orifice (Fig. 15) and an edge region (edge portion of 5 left of 3) facing and overlying the reservoir (Fig. 15) and being unattached to the reservoir (edge portion is unattached to 3, Fig. 15), and a top side (5b) including a region bonded to the packaging material (5b is fused to 21, Fig. 15) and overlying the unattached edge region of the bottom side of the sealing member (5b is integral with 21 which overlies 1 and the edge portion of 5, Fig. 15).

Regarding claim 16, Higuma et al. discloses that the bonding strength between the sealing member top side and the packaging material is greater than bonding strength between the bonding region of the sealing member bottom side and the reservoir (5b is integral with 21, column 8, lines 27-29, and the seal between 5 and 2 can be broken, column 8, lines 32-34).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higuma et al..

Regarding claim 1, Higuma et al. further discloses the unattached bottom side edge region of the sealing member includes a lateral margin (bottom side of 5a, Fig. 15).

However, even though Higuma et al. does not disclose a lateral margin of deadened adhesive, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Higuma et al. with a non-adhesive lateral end (5a) for the purpose of pulling the end to remove the sealing member (5) from the ink cartridge (1) (column 8, lines 30-35).

Regarding claim 12, Higuma et al. further discloses that the margin of deadened adhesive (extends to 5a) forms a preferential peeling front between the sealing member and the reservoir (Fig. 15).

Allowable Subject Matter

3. Claims 4, 13-15, and 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 6-8 are allowed.

Reasons For Allowance

5. The combination as claimed wherein a package assembly comprising a clear packaging material and the sealing member includes a label configured to be read through the packaging material (claim 4) or a removable label comprising the claimed laminate layers (claim 6) or the deadened adhesive is a layer of material that reduces bonding of the edge region of the sealing member to the reservoir (claims 13, 14) or all regions of the bottom side of the sealing member face and overlies a wall of the reservoir (claim 15) or the packaging material includes an end with a seam oriented substantially parallel to the bonding region of the bottom side of the sealing member (claim 18) or the sealing member includes a layer of aluminum foil (claim 21) is not disclosed, suggested, or made obvious by the prior art of record.

Response to Arguments

6. Applicant's arguments filed on April 22, 2003 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that Higuma fails to teach a sealing member that has a bottom side with an edge region that faces and overlies the reservoir and is unattached to the reservoir, and a top side that includes a region that is bonded to the packaging material and overlies the unattached edge region of the bottom side of the sealing member.

Examiner's position is that Higuma teaches a sealing member (5) that has a bottom side (sealing side of 5 bonded to 2 and 3) with an edge region (edge region of 5 left of 3) that faces and overlies the reservoir (Fig. 15) and is unattached to the reservoir (edge portion is unattached to 3, Fig. 15), and a top side (5b) that includes a region that is bonded to the packaging material (5b is fused to 21) and overlies the unattached edge region of the bottom side of the sealing member (5b is integral with 21 which overlies 1 and the edge portion of 5, Fig. 15).

Applicants further argue that the bottom side (5a) of Higuma's sealing tape (5) does not face and overlie the container cartridge (1).

Examiner's position is that claim 5 does not recite that the lateral margin of deadened adhesive faces and overlies reservoir. Nevertheless, Higuma discloses an edge region (edge portion of 5 left of 3) facing and overlying the reservoir (Fig. 15). This edge portion includes a lateral margin (bottom side of 5a, Fig. 15) and it would be obvious to provide the bottom side of the lateral margin with a non-adhesive area for the purpose

of pulling the margin (5a) to remove the sealing member (5) from the reservoir (1) (column 8, lines 30-35) as discussed above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

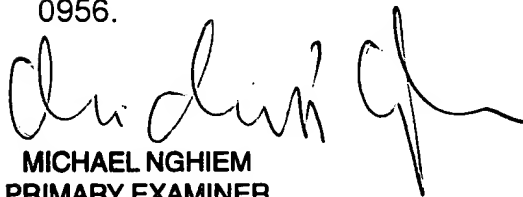
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read 'Michael Nghiem', with a stylized flourish at the end.

MICHAEL NGHIEM
PRIMARY EXAMINER
Michael Nghiem

January 2, 2004